

Vol
2012

United States
Circuit Court of Appeals

For the Ninth Circuit.

UNITED STATES OF AMERICA,

Appellant,

VS

DANG MEW WAN LUM,

Appellee.

Transcript of Record

Upon Appeal from the District Court of the United States for the Territory of Hawaii.

FILED

OCT 30 1938

PAUL P. O'NEEN,
CLERK

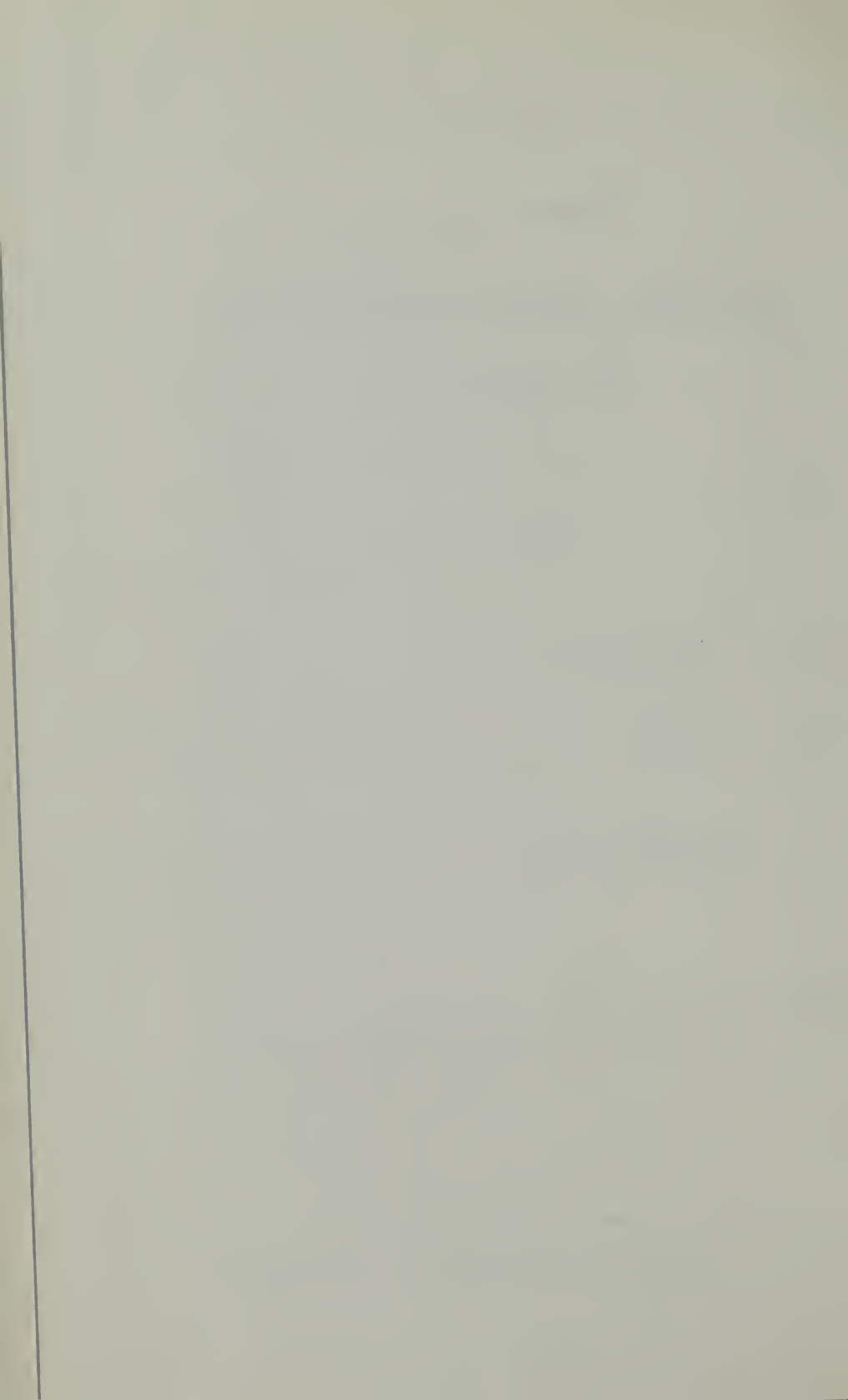


United States
Circuit Court of Appeals
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UNITED STATES OF AMERICA,
Appellant,
vs.
DANG MEW WAN LUM,
Appellee.

Transcript of Record

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States for the Territory of Hawaii.



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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF ATTORNEYS
OF RECORD.

For the Applicant, Dang Mew Wan Lum,
No Attorney.

For the United States of America,
INGRAM M. STAINBACK, Esq.,
United States Attorney,
Federal Building,
Honolulu, T. H.

J. FRANK McLAUGHLIN, Esq.,
Assistant United States Attorney,
Federal Building,
Honolulu, T. H.

ERNEST J. HOVER, Esq.,
United States Naturalization Examiner,
Department of Immigration and
Naturalization,
Honolulu, T. H. [1*]

*Page numbering appearing at the foot of page of original certified Transcript of Record.

In the United States District Court for the
Territory of Hawaii.

Petition No. 2789.

In the Matter of the Application of

DANG MEW WAN LUM

to Become a Citizen of the United States of America

CLERK'S STATEMENT.

Date of Commencement of Matter: April 4, 1936—
Petition filed.

Name of Original Party: Dang Mew Wan Lum,
petitioner.

Date of Filing Pleadings: April 4, 1936—Petition;
Motion to Dismiss.

Date of Decision: April 4, 1936—Oral ruling in
Court.

Date of Decree: April 4, 1936—Decree and Final
Order of Court (Naturalization Petitions
Recommended to be Denied).

Proceedings in the above-entitled matter were had
before the Honorable S. C. HUBER, District Judge.

Dates of Filing Appeal Documents:

April 9, 1936—Exception to Ruling, Order and De-
cision of the Court and Notice of Appeal.

July 3, 1936—Petition for Appeal, Assignment of
Errors, Order Allowing Appeal, Citation Issued,
Praecipe.

July 6, 1936—Bill of Exceptions. [2]

CERTIFICATE OF CLERK TO ABOVE
STATEMENT.

United States of America,
Territory of Hawaii—ss.

I, WM. F. THOMPSON, JR., Clerk of the United States District Court for the Territory of Hawaii, do hereby certify the foregoing to be a full, true and correct statement showing the time of commencement of the above-entitled cause; the name of the original party; the date when pleadings were filed; the date of the decision and final order of court; the name of the judge presiding and the dates when appeal documents were filed and issued in the above-entitled matter.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, this 24th day of September A. D. 1936.

[Seal]

WM. F. THOMPSON, JR.,
Clerk, U. S. District Court, Territory of Hawaii.

[3]

Form 2204 -L-A

Original

(To be retained
by clerk)

No. 2789

U. S. Department of Labor
Immigration and Naturalization Service

No. 96023

UNITED STATES OF AMERICA

Petition for Naturalization

To the Honorable the Judge, U. S. Dist. Court of
Terr. of Hawaii at Honolulu, T. H.The petition of Dang Mew Wan Lum, hereby filed,
respectfully shows:(1) My place of residence is 1169 Maunakea St.
Hon., T. H. (2) My occupation is not employed.(3) I was born in Honolulu, Hawaii on May 29,
1894. My race is Chinese.(5) I am married. The name of my husband is
Lum Chew Hung. We were married on May 2, 1910
at Dai Char, Chungshan, China; he was born at Dai
Char, Chungshan, China on February 3, 1886; en-
tered the United States at.....on.....
for permanent residence and now resides at Chung
Shan, China. I have no children, and the name, date
and place of birth, and place of residence of each of
said children are as follows:(I departed for China May 16, 1907, SS "Si-
beria")

(6) My last foreign residence was Macao, Chungshan, China. I emigrated to the United States of America from Hongkong, China. My lawful entry in the United States was at Honolulu, T. H., under the name of Dang Mew Wan Lum on Oct. 19, 1934 on the vessel SS President Hoover.

(7) I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States. It is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to The Republic of China of which at this time I am a citizen [4]. (8) I am able to speak the English language. (9) I have resided continuously in the United States of America since October 19, 1934 and in the County of Honolulu this State, continuously next preceding the date of this petition, since October 19, 1934. Petition filed under Sec. 4, Act of Sept. 22, 1922, as amended.

(10) I have not heretofore made petition for Naturalization: Number on _____ at _____ and such petition was denied by that Court for the following reasons and causes, to-wit.....

and the cause of such denial has since been cured or removed.

Attached hereto and made a part of this, my petition for citizenship, are the affidavits of the two verifying witnesses required by law.

Wherefore, I, your petitioner, pray that I may be admitted a citizen of the United States of America, I have not acquired any other nationality by affirmative act.

I, your aforesaid petitioner being duly sworn, depose and say that I have read this petition and know the contents thereof; that the same is true of my own knoweldge except as to matters herein stated to be alleged upon information and belief, and that as to those matters I believe it to be true; and that this petition is signed by me with my full, true name.

(s) DANG MEW WAN LUM,

(Complete and true signature of petitioner) [5]

AFFIDAVITS OF WITNESSES

Ching Sang Kam: Occupation, Storekeeper, residing at 1169 Maunakea St., Honolulu, T. H., and Chuck Hoy: Occupation, retired, residing at 32 South School St., Honolulu, T. H., each being severally, duly and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known and has been acquainted in the United States with Dang Mew Wan Lum, the petitioner above mentioned, since 1/1/1904 except from 5/16/07 to 10/19/34 and that he has personal knowledge that

the petitioner is and during all such periods has been a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and that in his opinion the petitioner is in every way qualified to be admitted a citizen of the United States.

(Chinese characters) (s) CHUCK HOY

(Signature of witness) (Signature of witness)

Subscribed and sworn to before me by the above-named petitioner and witnesses in the office of the Clerk of said Court at Honolulu, T. H. this 4th day of April, Anno Domini 1936.

[Seal] WM. F. THOMPSON, Jr.,
Clerk.

By (s) E. LANGWITH,
Deputy Clerk [6]

(Reverse side of petition)

OATH OF ALLEGIANCE

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to THE REPUBLIC OF CHINA of which I have heretofore been a citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservation or purpose of evasion; SO

HELP ME GOD. In acknowledgement whereof I have hereunto affixed my signature.

(s) DANG MEW WAN LUM
(Signature of petitioner)

Sworn to in open court, this 4th day of April, A. D. 1936.

WM. F. THOMPSON, Jr.,
Clerk.

By.....
Deputy Clerk.

Note: In renunciation of title of nobility, add the following to the oath of allegiance before it is signed: "I further renounce the title of (give title or titles) an order of nobility, which I have heretofore held."

Petition granted: Line No. 1 of List No. 369 and Certificate No. 4093209 issued.

Petition denied: List No.....

Petition continued from.....to.....
Reason..... [7]

Original

Petition No. 2789

Court 665

U. S. DEPARTMENT OF LABOR
Naturalization Service

CERTIFICATE OF EXAMINATION

I hereby certify that Dang Mew Wan Lum, residing at 1169 Maunakea St., Honolulu, T. H. an applicant for citizenship, and the required two witnesses, namely, Ching Sang Kam, residing at 1169

Maunakea St. Hon. T. H., Chuck Hoy, residing at 32 s. School St. Hon. T. H. appeared before me and were examined on April 4, 1936 in accordance with the act of September 22, 1922 (Sec. 4) as amended 3/3/31 and that the statements contained in the said applicant's petition for citizenship constitute the record of such examination.

Note to Clerk. This certification must be attached to the original petition for citizenship at the time of filing.

(s) ERNEST J. HOVER

U. S. Naturalization Examiner.

Form 2800 [8]

[Title of Court and Cause.]

MOTION TO DISMISS

Comes the undersigned Naturalization Examiner for and on behalf of the United States, and moves that this petition for naturalization be dismissed with prejudice, and as grounds therefor respectfully shows:

That it appears from said petition that this petitioner is a person of the Chinese race, and therefore is ineligible to naturalization unless she is within the exception provided in Section 4, Act of March 3, 1931, relating to "any woman who was a citizen of the United States at birth"; that petitioner was born at Honolulu, T. H., on May 29, 1894, and departed for China on May 16, 1907, where she married a Chinese national on May 2, 1910, which marriage endures, and that she first returned to the

Territory of Hawaii and the United States on October 19, 1934; that it follows petitioner is not included within the amendment of July 2, 1932, to the above act, as a woman who is to be considered as a citizen at birth, because she was not resident in the United States on July 2, 1932.

(s) ERNEST J. HOVER

U. S. Naturalization Examiner

[Endorsed]: Filed Apr. 4, 1936. [9]

Form 2352

Original

List No. 369

U. S. DEPARTMENT OF LABOR
NATURALIZATION SERVICE

Date April 4, 1936

NATURALIZATION PETITIONS RECOMMENDED TO BE DENIED

To the Honorable the District Court of the United States for the District of Hawaii, sitting at Honolulu, T. H. (..... Division):

The undersigned, duly designated under the Act of June 8, 1926 (Public No. 358, 69th Cong.), to conduct preliminary hearings upon petitions for naturalization to the above-named Court and to make findings and recommendations thereon, has personally examined under oath at a preliminary hearing each of the following one (1) petitioner for naturalization and their required witnesses, has found, for the reasons stated below, that such peti-

tions should not be granted, and therefore recommends that each of such petition be denied.

No.—1

Petn. No.—2789

Name of Petitioner—Dang Mew Wan Lum

Reason for Denial—Not entitled to exemption from racial exclusion as a former U. S. citizen at birth by reason of Hawaiian birth before June 14, 1900, because not resident in United States on July 2, 1932. [10]

Respectfully submitted:

Date April 4, 1936.

(s) ERNEST J. HOVER,
(Signature of designated examiner
or officer)

United States of America

District of Hawaii,

.....Division—ss:

Upon consideration of the petitions for naturalization listed above, and the findings and recommendations thereon of a duly designated examiner or officer of the Bureau of Naturalization (or Naturalization Service), at a final hearing in open Court this 4th day of April, A. D. 1936, it is hereby ordered that the said petition be, and hereby is granted, and the petitioner having taken the oath prescribed by law, hereby is admitted to become a citizen of the United States of America, the above recommendation being hereby disapproved.

By the Court:

[Seal]

(s) S. C. HUBER,

Judge. [11]

PROCEEDINGS AT HEARING, PETITION
FOR NATURALIZATION GRANTED. EX-
CEPTION.

From the Minutes of the United States District
Court for the Territory of Hawaii.

SATURDAY, April 4, 1936.

[Title of Court and Cause.]

Personally appeared the applicant herein. Mr. E. J. Hover, United States Naturalization Examiner, appeared for the government. This case was called for final hearing. Mr. Hover certified the facts of the case to the Court and recommended a dismissal. The Court granted the petition of the applicant and ordered that she be admitted a citizen of the United States on taking the oath of allegiance. The clerk administered the required oath. An exception to the admission of applicant was noted by Mr. Hover. [12]

ORDER EXTENDING TIME FOR THE PUR-
POSE OF SETTLING BILL OF EXCEP-
TIONS.

From the Minutes of the United States District
Court for the Territory of Hawaii.

MONDAY, July 6, 1936.

[Title of Court and Cause.]

On this day came the applicant herein, Mr. J. Frank McLaughlin, Assistant United States Attor-

ney, appeared for the government. This case was called for hearing for allowance of a bill of exceptions on appeal. The bill of exceptions was allowed by the Court with the reservation by the Court that the applicant may be allowed an amendment to said bill of exceptions should she later hire counsel and in the event said counsel should deem an amendment necessary. The applicant was allowed one week in which to obtain counsel. [13]

PROCEEDINGS, BILL OF EXCEPTIONS
ALLOWED.

From the Minutes of the United States District
Court for the Territory of Hawaii.

MONDAY, July 13, 1936.

[Title of Court and Cause.]

On this day came the United States by Mr. J. Frank McLaughlin, its Assistant District Attorney. This case was called for hearing on the bill of exceptions herein. The bill of exceptions as presented was allowed. The Court stated that same would be signed. [14]

[Title of Court and Cause.]

EXCEPTION TO RULING, ORDER AND DECISION OF THE COURT AND NOTICE OF APPEAL.

To the Honorable, the Presiding Judge of the United States District Court for the Territory of Hawaii:

Comes now THE UNITED STATES OF AMERICA, by INGRAM M. STAINBACK, United States Attorney for the District of Hawaii, and excepts to the ruling of the Court overruling the Motion of the United States of America to dismiss the above entitled petition and to the ruling, order and decision of the Court that the above entitled petition of applicant be granted, on the ground that same are contrary to the law, the evidence, and the weight of the evidence, and on the further specific ground that the Petitioner was not a citizen of the United States at birth and is not eligible to naturalization by the terms of the Act of July 2, 1932, C. 395, (8 U. S. C. A. 368b) and the Act of September 22nd, 1922, C. 411, Section 3b, as amended March 3rd, 1931, C. 442, Section 4a (8 U. S. C. A. 369a), and is not eligible to become a citizen under other naturalization law of the United States, and the United States of America hereby gives notice of appeal.

Dated: Honolulu, T. H., this 9th day of April, 1936.

THE UNITED STATES OF
AMERICA.

By INGRAM M. STAINBACK,
United States Attorney,
District of Hawaii.

By (s) SAMUEL SHAPIRO,
Special Assistant United
States Atty., District of
Hawaii.

[Endorsed]: Filed Apr. 9, 1936. [16]

[Title of Court and Cause.]

PETITION FOR APPEAL.

To the Honorable S. C. Huber, Judge of the United States District Court for the Territory of Hawaii:

Comes now THE UNITED STATES OF AMERICA, feeling aggrieved by the final Order of the Court entered in the above entitled matter on the 4th day of April, A. D. 1936, and hereby appeals from said final Order to the United States Circuit Court of Appeals for the Ninth Circuit; that the errors upon which such appeal is based are contained in the Assignment of Errors filed herewith; that petitioner prays its appeal be allowed and that a citation be issued in accordance with law, and that an authenticated transcript of the record, pro-

ceedings and exhibit on the hearing be forwarded to the United States Circuit Court of Appeals for the Ninth Circuit at San Francisco, California.

Dated at Honolulu, T. H., this 3rd day of July, A. D. 1936.

THE UNITED STATES OF
AMERICA,

by its attorney,

INGRAM M. STAINBACK,
United States Attorney
District of Hawaii.

By (s) J. FRANK McLAUGHLIN,
Assistant.

Attest:

(s) WM. F. THOMPSON, JR.,
Clerk of the above entitled
court.

Receipt of a copy of the within is hereby acknowledged this 3rd day of July, A. D. 1936.

(s) DANG MEW WAN LUM.

[Endorsed]: Filed Jul. 3, 1936. [18]

[Title of Court and Cause.]

ASSIGNMENT OF ERRORS.

Comes now THE UNITED STATES OF AMERICA, and files the following Assignment of Errors upon which it will rely on appeal to the United States Circuit Court of Appeals for the Ninth Circuit.

I.

The Court erred as a matter of law in overruling the Motion made in behalf of the United States to dismiss the petitioner's application for naturalization, as follows:

(Caption Omitted)

“MOTION TO DISMISS.

“Comes the undersigned Naturalization Examiner for and on behalf of the United States, and moves that this petition for naturalization be dismissed with prejudice, and as grounds therefor respectfully shows:

“That it appears from said petition that this petitioner is a person of the Chinese race, and therefore is ineligible to naturalization unless she is within the exceptions provided in Section 4, Act of March 3, 1931, relating to ‘any woman who was a citizen of the United States at birth’; that petitioner was born at Honolulu, T. H., on May 29, 1894, and departed for China on May 16, 1907, where she married a Chinese national on May 2, 1910, which marriage endures, and that she first returned to the [20] Territory of Hawaii and the United States on October 19, 1934; that it follows petitioner is not included within the amendment of July 2, 1932, to the above act, as a woman who is to be considered as a citizen at birth, because she was not resident in the United States on July 2, 1932.

(s) ERNEST J. HOVER,
U. S. Naturalization Examiner.”

Motion was overruled orally and an exception on behalf of THE UNITED STATES OF AMERICA was noted.

II.

The decision and final Order of the Court is contrary to law.

WHEREFORE, THE UNITED STATES OF AMERICA, appellant, prays that the final Order in said matter be reversed and the matter remanded, with instructions to the trial Court as to further proceedings therein, and for such other and further relief as may be just in the premises.

Dated at Honolulu, T. H., this 3rd day of July, A. D. 1936.

THE UNITED STATES OF
AMERICA

By its Attorney

INGRAM M. STAINBACK

United States Attorney

District of Hawaii

By (s) J. FRANK McLAUGHLIN
Assistant

Receipt of a copy of the within is hereby acknowledged this 3rd day of July, A. D. 1936.

(s) DANG MEW WAN LUM

[Endorsed]: Filed Jul. 3, 1936. [21]

[Title of Court and Cause.]

ORDER ALLOWING APPEAL

THE UNITED STATES OF AMERICA, in the above entitled action having filed herein its Petition for an Appeal from the Final Order entered thereon on the 4th day of April, A. D. 1936, now on motion of Ingram M. Stainback, United States Attorney for the District of Hawaii, attorney for the petitioner,

IT IS ORDERED, that an appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the final Order heretofore entered herein, be, and the same hereby is, allowed, and that a certified transcript of the record, proceedings and exhibit on the hearing be forwarded to the United States Circuit Court of Appeals for the Ninth Circuit at San Francisco, California.

Dated at Honolulu, T. H., this 3rd day of July, A. D. 1936.

By the Court:

(s) S. C. HUBER
Judge

Attest:

(s) WM. F. THOMPSON, JR.,
Clerk of the above entitled Court.

Receipt of a Copy of the within is hereby acknowledged this 3rd day of July, 1936.

(s) DANG MEW WAN LUM.

[Endorsed]: Filed Jul. 3, 1936. [23]

[Title of Court and Cause.]

CITATION ON APPEAL.

The President of the United States of America, to:
Dang Mew Wan Lum, GREETINGS:

You are hereby cited and admonished to be and appear in the United States Circuit Court of Appeals for the Ninth Circuit, at the city of San Francisco, California, thirty days from and after the date this Citation bears date, pursuant to an appeal allowed and filed in the office of the Clerk of the District Court of the United States for the District of Hawaii, from a final Order in said matter filed and entered on the 4th day of April, 1936, wherein THE UNITED STATES OF AMERICA is appellant and you are appellee, to show cause, if any there be, why the final Order rendered in this matter should not be corrected, and why speedy justice should not be done the parties in that behalf.

WITNESS, the Honorable S. C. HUBER, Judge of the United States District Court for the Territory of Hawaii, this 3rd day of July, A. D. 1936.

[Seal] S. C. HUBER,
Judge, United States District Court for the Territory of Hawaii.

Due personal service of the within Citation, by copy, is hereby admitted this 3rd day of July, A. D. 1936.

DANG MEW WAN LUM,
Appellee [25]

[Title of Court and Cause.]

BILL OF EXCEPTIONS

BE IT REMEMBERED that the above entitled matter came on for hearing in said Court on the 4th day of April, A. D. 1936, within the October Term of said Court, the Honorable S. C. Huber, Judge of said Court, presiding; that at said hearing THE UNITED STATES OF AMERICA, through Naturalization Examiner for the District of Hawaii, E. J. Hover, appeared in opposition to the granting of said petition; that the undisputed facts appearing from the Petition for Naturalization are: that DANG MEW WAN LUM is of Chinese race and parentage, that she was born at Honolulu, Hawaii, on May 29, 1894; that on May 16, 1907 she departed from the Hawaiian Islands for China aboard the S. S. "Siberia"; that on May 2, 1910 she married Lum Cheu Hung at Dai Char, Chungshan, China, a Chinese person ineligible to become a citizen of the United States and who was born in China on February 3, 1886; that DANG MEW WAN LUM reentered the United States on October 19, 1934 for the first time since her 1907 departure; that she renounced citizenship in the Republic of China and that she had not acquired any citizenship subsequent to her loss of United States citizenship by marriage to an alien, by any affirmative act on her part; [27]

Thereupon, on behalf of THE UNITED STATES OF AMERICA, said Naturalization Examiner E. J. Hover presented to said Court the following Motion to Dismiss said petition:

(Caption Ommited)

"MOTION TO DISMISS

"Comes the undersigned Naturalization Examiner for and on behalf of the United States, and moves that this petition for naturalization be dismissed with prejudice, and as grounds therefor respectfully shows:

"That it appears from said petition that this petitioner is a person of the Chinese race, and therefore is ineligible to naturalization unless she is within the exception provided in Section 4, Act of March 3, 1931, relating to 'any woman who was a citizen of the United States at birth'; that petitioner was born at Honolulu, T. H., on May 29, 1894, and departed for China on May 16, 1907, where she married a Chinese national on May 2, 1910, which marriage endures, and that she first returned to the Territory of Hawaii and the United States on October 19, 1934; that it follows petitioner is not included within the amendment of July 2, 1932, to the above act, as a woman who is to be considered as a citizen at birth, because she was not resident in the United States on July 2, 1932.

(s) ERNEST J. HOVER

U. S. Naturalization Examiner"

that the Court orally overruled said Motion to Dismiss, to which an exception was noted by THE UNITED STATES OF AMERICA, and orally ruled that said petitioner was entitled to naturaliza-

tion, and accordingly issued on said April 4, 1936 a final Order to that effect, whereupon the oath of allegiance to the United States was duly administered to said petitioner on April 4, 1936, and Naturalization Certificate No. 4093209 was issued to the naturalized petitioner.

Thereafter, on the 9th day of April, 1936, Ingram M. Stainback, United States Attorney for the District of Hawaii, in behalf of THE UNITED STATES OF AMERICA filed exceptions to the final Order of said Court as follows: [28]

(Caption Omitted)

“EXCEPTION TO RULING, ORDER AND DECISION OF THE COURT AND NOTICE OF APPEAL.

“To the Honorable, the Presiding Judge of the United States District Court for the Territory of Hawaii:

“Comes now THE UNITED STATES OF AMERICA, by Ingram M. Stainback, United States Attorney for the District of Hawaii, and excepts to the ruling of the Court overruling the Motion of the United States of America to dismiss the above entitled petition and to the ruling, order and decision of the Court that the above entitled petition of applicant be granted, on the ground that same are contrary to the law, the evidence, and the weight of the evidence, and on the further specific ground that the Petitioner was not a citizen of the United

States at birth and is not eligible to naturalization by the terms of the Act of July 2, 1932, C. 395, (8 U.S.C.A. 368b) and the Act of September 22nd, 1922, C. 411, Section 3b, as amended March 3rd, 1931, C. 442, Section 4a (8 U.S.C.A. 369a), and is not eligible to become a citizen under any other naturalization law of the United States, and the United States of America hereby gives notice of appeal.

“Dated: Honolulu, T. H., this 9th day of April, 1936.

THE UNITED STATES OF
AMERICA

By INGRAM M. STAINBACK,
United States Attorney,
District of Hawaii,

By (s) SAMUEL SHAPIRO
Special Assistant United States
Atty., District of Hawaii.”

WHEREFORE, the Court during the October, 1935, Term, having extended that Term for the purpose of settling bills of exceptions, in order that THE UNITED STATES OF AMERICA may submit said final Order for review to the United States Circuit Court of Appeals for the Ninth Circuit, it now presents to the Judge presiding at said hearing this Bill of Exceptions and prays that the same, being found conformable to the truth, be allowed and signed by said Judge. [29]

Dated at Honolulu, T. H., this 3rd day of July,
A. D. 1936.

THE UNITED STATES OF
AMERICA

By its Attorney

INGRAM M. STAINBACK

United States Attorney

District of Hawaii

By (s) J. FRANK McLAUGHLIN
Assistant

Presented, July 3rd, A. D. 1936.

(s) S. C. HUBER

Judge

Allowed, July 6th, A. D. 1936.

(s) S. C. HUBER

Judge

[Endorsed]: Filed July 6, 1936. [30]

[Title of Court and Cause.]

PRAECIPE

To: WILLIAM F. THOMPSON, JR., Clerk of the
United States District Court for the Territory
of Hawaii:

You will please incorporate in the transcript of
record on appeal to the United States Circuit Court
of Appeals for the Ninth Circuit, in the above en-
titled matter, the following:

1. Petition for Naturalization
2. Clerk's Minutes

3. Order of Court extending time for the purpose of settling exceptions
4. Motion to Dismiss
5. Decision and Final Order of Court
6. Exceptions to Decision and Final Order
7. Bill of Exceptions
8. Petition for Appeal
9. Order Allowing Appeal
10. Assignment of Errors
11. Citation of Appeal with Admission of Service
12. This Praecipe, with Admission of Service
13. Clerk's Certificate [32]

Dated at Honolulu, T. H., this 3rd day of July,
A. D. 1936.

THE UNITED STATES OF
AMERICA

By its Attorney

INGRAM M. STAINBACK

United States Attorney

District of Hawaii.

By (s) J. FRANK McLAUGHLIN
Assistant

Due personal service of the within Praecipe, by copy, is hereby admitted this 3rd day of July, A. D. 1936.

(s) DANG MEW WAN LUM

Appellee.

[Endorsed]: Filed Jul. 3, 1936. [33]

[Title of Court and Cause.]

CERTIFICATE OF CLERK, U. S. DISTRICT
COURT TO TRANSCRIPT OF RECORD ON
APPEAL.

United States of America,
Territory of Hawaii—ss.

I, WM. F. THOMPSON, JR., Clerk of the United States District Court for the Territory of Hawaii, do hereby certify the foregoing pages numbered from 1 to 33 inclusive, to be a true and complete transcript of the record and proceedings had in said court in the above entitled cause, as the same remains of record and on file in my office and I further certify that I am attaching hereto the original citation on appeal and that the costs of the foregoing transcript of record on appeal are \$16.30 and that said amount has been charged by me in my account against the United States.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed the seal of said court this 24th day of September A. D. 1936.

[Seal]

WM. F. THOMPSON, JR.,
Clerk, U. S. District Court,
Territory of Hawaii. [34]

[Endorsed]: No. 8346. United States Circuit Court of Appeals for the Ninth Circuit. United States of America, Appellant, vs. Dang Mew Wan Lum, Appellee. Transcript of Record. Upon Appeal from the District Court of the United States for the Territory of Hawaii.

Filed October 2, 1936.

PAUL P. O'BRIEN,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.